

REMARKS

In the Office Action, the Examiner objected to Claims 19 and 26-28 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. In response, applicant has amended Claims 19, 26, and 28 to be in proper multiple dependent format. Therefore, applicant requests that this ground of objection be removed.

The Examiner then rejected Claims 1-7, 13, 14, 25, 31, and 32 under 35 U.S.C. 102(b) as being anticipated by Nunn et al. (U.S. Pat. 3,328,891). In response, applicant has amended Claim 1 to more particularly point out that which applicant claims as the invention.

More specifically, applicant's amended Claim 1 now points out that generated heat is directed away from the stove rather than towards its core, as does the invention of Nunn. This is not new matter and finds support at, *inter alia*, page 9, lines 12-18. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then rejected Claims 1 and 10-12 under 35 U.S.C. 102(b) as being anticipated by Champion (EP 1217302A1). Applicant respectfully requests reconsideration and removal of this ground of rejection.

More specifically, applicant avers that the Examiner is misconstruing the disclosure of Champion. In the rejection, the Examiner stated that "Champion shows an improved heating head 32 for a stove (Fig. 2) characterized in that it comprises a **supporting structure 40** for a series of **adjustably tilted radiating bodies 50...**" (emphasis added). That is, the Examiner is construing the part labeled "40" to be a supporting structure and the part labeled "50" to be an adjustably tilted radiating body. Applicant does not have a translation of the French language Champion patent. However, in the original French language patent, "40" is called "un brûleur à gaz" and according to Collins Robert French Dictionary (1978), the English equivalent of "brûleur" is "burner" and the English equivalent of "gaz" is "gas". Therefore, while the Examiner identified part 40 as a "supporting structure", it is actually a "gas burner". Additionally, in the original French language patent, "50" is called "la grille de protection" and according to Collins Robert French Dictionary (1978), the English equivalent of "grille" is "railing" or "grate" or "grid", etc. and the English equivalent of "protection" is "protection". Therefore, while the Examiner identified part 50 as an

“adjustably tilted radiating body”, it is actually a “protective grate”. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then rejected Claims 1 and 13-22 under 35 U.S.C. 102(e) as being anticipated by Resmo et al (U.S. Pat 6,446,623). The applicant respectfully requests reconsideration and removal of this ground of rejection. The applicant respectfully believes that the Examiner is misconstruing the disclosure of Resmo.

More specifically, the Examiner states in the Office Action that “each of the radiating bodies 16, 28 being fed individually.” Applicant agrees that part 16 is a radiating body, but applicant avers that part 28 is not a radiating body. The Resmo reference refers to part 28 thus: “A safety guard 28 extends around burner...” (col. 2, 54-55). Additionally, nowhere does the Resmo reference state that the radiating body is adjustably tilted. Figure 9 of the Resmo reference seems to show that part 16 forms a circle around the device and is attached at a lower end, which precludes the radiating body from being adjustably tilted. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then rejected Claims 1, 13-18, 20-24, and 33 under 35 U.S.C. 102(e) as being anticipated by Ashton et al (U.S. Pat 6,499,480). The applicant respectfully requests reconsideration and removal of this ground of rejection. The applicant respectfully believes that the Examiner is misconstruing the disclosure of Ashton.

More specifically, the Examiner states in the Office Action that the invention of Ashton “comprises a supporting structure 60 for a series of adjustably tilted radiating bodies 804...” Applicant avers that the Examiner has misconstrued both of these parts. The Ashton reference refers to part 60 thus: “...a lighting unit 60 for selectively providing light to a user.” (col. 4, lines 29-30). The Ashton reference refers to part 804 thus: “each panel 804 is manufactured from decorative, heat resistant glass and includes a reflective coating which faces the heating and lighting elements of the heater”. (col. 12, lines 19-22). Therefore, part 60 is not a supporting structure but is instead a light source. Additionally, part 804 is not a radiating body but is instead a reflective body. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then rejected Claims 1 and 25 under 35 U.S.C. 102(b) as being anticipated by Collet (U.S. Pat 6,366,450). According to a search on the USPTO website, U.S. Pat 6,366,450 was issued on an invention by Michael Janicek and

relates to a hideaway integrated docking cradle. Applicant herein assumes that the Examiner meant to cite U.S. Pat 6,336,450 which was issued on an invention by Jean Collet and relates to a terrace heating device. The applicant respectfully requests reconsideration and removal of this ground of rejection. The applicant respectfully believes that the Examiner is misconstruing the disclosure of Collet.

The invention of Collet is concerned with warming users who are located below the umbrella portion of the device of Collet. That is, it reflects “rising heat from a heater (8) downward toward patrons on a terrace.” (Abstract). In contrast, applicant’s invention warms an area with a “demonstrated radius coverage of about 5 m.” (page 9, lines 15-16). That is, a user does not have to be sitting directly under applicant’s device to feel the warming effects of the device.

Additionally, in contrast to what is stated by the Examiner, the Collet reference makes no mention that each radiating body can be individually fed. Applicant’s invention specifically includes this feature at, *inter alia*, page 4, lines 19-21. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then noted the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a). Applicant thanks the Examiner for noting the obligation.

The Examiner then rejected Claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Nunn et al. (U.S. Pat 3,328,891) in view of Morris et al (U.S. Pat 4,889,481). As argued above, Claim 1 was amended to more particularly point out that which applicant considers to be the invention. Therefore, applicant’s invention is not the same as the invention of Nunn, in contrast to the Examiner’s statement that “Nunn et al show the overall claimed combination same as the applicant’s.”

Additionally, the Nunn reference is directed towards a device used in agriculture (the title of the invention is “Preparing Crops for Harvest”). The device of Morris relates to a combustion burner. It would not have been obvious for one skilled in the art of agricultural devices used to desiccate leaves to combine a feature from a combustion burner with the agricultural device. Therefore, applicant requests that this ground of rejection be removed.

The Examiner then rejected Claims 29 and 30 under 35 U.S.C. 103(a) as being unpatentable over Nunn et al. (U.S. Pat 3,328,891) in view of Waters (U.S. Pat

6,651,647). As argued above, Claim 1 was amended to more particularly point out that which applicant considers to be the invention. Therefore, applicant's invention is not made obvious by the invention of Nunn, in contrast to the Examiner's statement that "[t]he heating head of Nunn et al. as above includes all that is recited in claim 29-30 except for the safety device with thermocouple for optionally closing a gas tap of the burner." Additionally, the Nunn reference is directed towards a device used in agriculture (the title of the invention is "Preparing Crops for Harvest"). The device of Waters relates to a heating apparatus. It would not have been obvious for one skilled in the art of agricultural devices used to desiccate leaves to combine a feature from a heating apparatus with the agricultural device. The fact that the references are selected from different fields of endeavor highlights the absence of a teaching in either reference that would lead a skilled artisan to combine these references in the manner in which they have been applied to make the present ground of objection. Therefore, applicant requests that this ground of rejection be removed.

In light of the foregoing applicant respectfully submits that that the claims of the present application are in proper form for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JVC", with a long horizontal line extending to the right.

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